

HOUSE BILL NO. 66

INTRODUCED BY JENT

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING FROM MANDATORY TO DISCRETIONARY THE CREDIT, FOR EACH DAY OF INCARCERATION PRIOR TO CONVICTION, GRANTED AGAINST THE FINE WHEN A FINE IS LEVIED IN ADDITION TO A TERM OF IMPRISONMENT ON CONVICTION OF AN OFFENSE; AND AMENDING SECTION 46-18-403, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-18-403, MCA, is amended to read:

"46-18-403. Credit for incarceration prior to conviction. (1) ~~Any A~~ person incarcerated on a bailable offense ~~and against whom a judgment of imprisonment is rendered must, whether or not a fine is also levied,~~ be allowed credit ~~against the term of imprisonment~~ for each day of incarceration prior to or after conviction, except that the time allowed as a credit may not exceed the term of the prison sentence rendered.

(2) ~~Any A~~ person incarcerated on a bailable offense ~~who does not supply bail and~~ WHO DOES NOT SUPPLY BAIL AND against whom a fine is levied ~~in addition to a term of imprisonment~~ on conviction of the offense ~~must~~ may also, in addition to the credit against the term of imprisonment, be allowed a credit ~~against the amount of the fine~~ for each day of incarceration prior to conviction, ~~except that the. A person incarcerated on a bailable offense against whom only a fine is levied on conviction must be allowed a credit against the amount of the fine for each day of incarceration prior to conviction. The,~~ EXCEPT THAT THE amount allowed or credited may not exceed the amount of the fine. The daily rate of credit for incarceration must be established annually by the board of county commissioners by resolution. The daily rate must be equal to the actual cost incurred by the detention facility for which the rate is established."

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